



# NEWS

Judicial Council of California  
ADMINISTRATIVE OFFICE OF THE COURTS  
Public Information Office  
(415) 865-7740

Lynn Holton, Public Information Officer

Release Date: August 15, 2003

Release Number: S.C. 34/03

## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 11, 2003**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-103 People ex rel. Department of Conservation v. El Dorado County, S116870. (C039428; 108 Cal.App.4th 672; El Dorado County Superior Court; PV002958, PV002959.) Petition for review after the Court of Appeal affirmed a judgment of dismissal of a civil action. The court limited the issue to be briefed and argued at this time to the following: Does the Director of the Department of Conservation have standing to file a petition for writ of administrative mandate challenging the validity, under the Surface Mining and Reclamation act (Pub. Resources Code, § 2710 et seq.) and the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), of a local lead agency's approval of reclamation plans and financial assurances for surface mining operations?

The court ordered briefing deferred on other issues pending decision in Vedanta Society of Southern California v. California Quartet, Ltd., S112816 (#03-31), which presents the following issue: Under what circumstances may an appellate court apply a de novo standard of review in determining whether an action was sufficient to justify an award of attorney's fees under Code of Civil Procedure section 1021.5?

(over)

#03-104 Carter v. Department of Veterans Affairs, S117253. (E030908; 109 Cal.App.4th 469; San Bernardino County Superior Court; BCV03693.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court

ordered briefing deferred pending decision in Salazar v. Diversified Paratransit, Inc., S111876 (#03-17), which present the following issue: Does the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) impose a duty on an employer to take reasonable steps to prevent hostile environment sexual harassment of an employee by a client with whom the employee is required to interact?

#03-105 People v. Moss, S117313. (C039117; 109 Cal.App.4th 56; Tehama County Superior Court; NCR55080.) Petition for review after the Court of Appeal reversed a conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Barker, S115438 (#03-77), which includes the following issue: When a defendant is charged with the felony offense of “willfully” failing to register as a sex offender (Pen. Code, § 290), does the defendant’s unintentional forgetting of the obligation to register constitute a defense to the charge?

#